

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

ANDREW McKEVITZ,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 3:18-cv-132
v.	)	
	)	Judge Atchley
SILVER CITY RESOURCES INC.,	)	
	)	Magistrate Judge Guyton
<i>Defendant.</i>	)	

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**ORDER**

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On May 14, 2021, United States Magistrate Judge H. Bruce Guyton filed a Report and Recommendation [Doc. 43] pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Referral Order [Doc. 39]. The Magistrate Judge recommends that Plaintiff’s Motion for Default Judgment Pursuant to Federal Rule of Civil Procedure 55(b) [Doc. 38] be **GRANTED**. Furthermore, the Magistrate Judge Recommended that the Defendant be **ADJUDGED** as having violated the Telephone Consumer Protection Act, 47 U.S.C. §§ 227(b)(1)(A)(iii) and (c)(5)(B); and Judgment in the total amount of \$7,000, plus court costs, be awarded to Plaintiff. No party has filed an objection to the Report and Recommendation.<sup>1</sup> The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Guyton’s well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge Guyton advised that the parties had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 43 at 5 n.1]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Guyton's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 43]. Plaintiff's Motion for Default Judgment Pursuant to Federal Rule of Civil Procedure 55(b) [Doc. 38] is **GRANTED**; Defendant is **ADJUDGED** as having violated the Telephone Consumer Protection Act, 47 U.S.C. §§ 227(b)(1)(A)(iii) and (c)(5)(B); and judgment in the total amount of \$7,000, plus court costs, is awarded to Plaintiff.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.  
**CHARLES E. ATCHLEY, JR.**  
**UNITED STATES DISTRICT JUDGE**